

**UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO**

THE MUNICIPALITIES OF BAYAMÓN,  
CAGUAS, LOÍZA, LARES,  
BARRANQUITAS, COMERÍO, CAYEY,  
LAS MARÍAS, TRUJILLO ALTO, VEGA  
BAJA, AÑASCO, CIDRA, AGUADILLA,  
AIBONITO, MOROVIS, MOCA,  
BARCELONETA, CAMUY, CATAÑO,  
SALINAS, ADJUNTAS, ARROYO,  
CULEBRA,  
DORADO, GUAYNABO, HORMIGUEROS,  
JUNCOS, LAJAS, MANATÍ, NAGUABO,  
NARANJITO, UTUADO, VILLALBA,  
COAMO, OROCOVIS, VIEQUES, and  
YABUCOA on behalf of themselves and  
others similarly situated, known as the  
MUNICIPALITIES OF PUERTO RICO,

Plaintiffs,

v.

EXXONMOBIL CORP, SHELL PLC F.K.A.  
ROYAL DUTCH SHELL PLC, CHEVRON  
CORP, BP PLC, CONOCOPHILLIPS,  
MOTIVA ENTERPRISES LLC,  
OCCIDENTAL PETROLEUM F.K.A.  
ANADARKO PETROLEUM CORP, BHP,  
RIO TINTO PLC, AMERICAN  
PETROLEUM INSTITUTE, XYZ  
CORPORATIONS 1-100, and JOHN AND  
JANE DOES 1-100,

Defendants.

Civil Case No. 3:22-cv-01550-SCC-HRV

Re:

Consumer Fraud; Deceptive Business  
Practices; Racketeer and Corrupt  
Organizations Act, 18 U.S.C. § 1962;  
Sherman Act, 15 U.S.C. § 1 et seq.; Public  
Nuisance; Strict Liability – Failure to Warn;  
Strict Liability – Design Defect; Negligent  
Design Defect; Private Nuisance; Unjust  
Enrichment

**DEFENDANTS’ MOTION REQUESTING ORAL ARGUMENT**

TO THE HONORABLE COURT:

COME NOW the undersigned Defendants, through their respective counsel, and pursuant to Local Civ. Rule 7(h), respectfully request that this Honorable Court hold oral argument on their Objections to the Magistrate Judge’s Report and Recommendation (Dkt. No. 315, the “R&R”) and

their Responses to Plaintiffs' Objections to the R&R. In support of this motion, Defendants state and pray as follows:

1. As Defendants have stated, this case is premised on the breathtaking and untenable notion that Defendants may be held liable for all carbon emissions, everywhere and at any time, because, Plaintiffs claim, Defendants produced lawful products used all over the world and/or spoke about climate change in ways with which Plaintiffs now disagree. Dkt. No. 235, at 1-2.

2. Defendants filed joint and individual Motions to Dismiss for failure to state a claim and lack of personal jurisdiction, Dkt. Nos. 232, 234-237, 239-240, 242-247, 254. The Court referred said Motions as well as Defendants' Requests for Judicial Notice, Dkt. Nos. 238, 241, to Magistrate Judge Héctor L. Ramos-Vega for report and recommendation, Dkt. No. 273.

3. On February 20, 2025, the Magistrate Judge issued the R&R, recommending that the Motions to Dismiss be granted in part and denied in part. Dkt. No. 315.

4. Since then, Defendants have filed Objections to the R&R, Dkt. Nos. 319-321, 324-326, 328-332; Responses to Plaintiffs' Objections to the R&R, Dkt. Nos. 335-1, 346; and Replies in Further Support of Defendants' Objections, Dkt. Nos. 362, 364, 366-373. Defendants' Objections, Responses and Replies address several significant issues, including that (a) Plaintiffs fail to state a RICO claim; (b) Plaintiffs fail to plead an antitrust violation; (c) Plaintiffs' claims are barred by the First Amendment and *Noerr-Pennington*; (d) Plaintiffs' claims should be dismissed as untimely; (e) Plaintiffs fail to establish personal jurisdiction over any Defendant; (e) jurisdictional discovery is not warranted; (f) Plaintiffs' conditional request for leave to amend should be denied; and (g) Plaintiffs' Puerto Rico claims should be dismissed for reasons additional to those expressed by the Magistrate Judge, including that the U.S. Constitution, its structure, and core principles of federalism and comity bar application of Puerto Rico law to disputes involving interstate and international emissions.

5. Several of these are issues of first impression in the First Circuit.

6. Defendants respectfully submit that oral argument would be of assistance to this Court as it considers Defendants' Objections to the R&R and Responses to Plaintiffs' Objections. It will allow the Court to ask questions concerning arguments in Defendants' filings and facilitate a discussion of said arguments.

7. Defendants will make themselves available for oral argument as soon as the Court's schedule permits.

WHEREFORE, Defendants hereby respectfully request, pursuant to Local Civ. Rule 7(h), that the Court schedule oral argument on Defendants' Objections to the R&R and their Responses to Plaintiffs' Objections to the R&R.

**RESPECTFULLY SUBMITTED**

In San Juan, Puerto Rico, this 18th day of June 2025.

**CERTIFICATE OF SERVICE:** We hereby certify that, on this same date, the foregoing joint motion was filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all attorneys and participants of record.

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